

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

In re:) Chapter 11
THE IT GROUP, INC , et al)
Debtors,) Case No. 02-10118 (MFW)
) Jointly Administered
IT LITIGATION TRUST,)
Plaintiff,) Civ. A. No. 04-CV-1268 (KAJ)
)
v)
DANIEL A. D'ANIELLO, FRANCIS J.)
HARVEY, JAMES C. McGILL,)
RICHARD W. POGUE, PHILLIP B)
DOLAN, E. MARTIN GIBSON, ROBERT)
F. PUGLIESE, CHARLES W. SCHMIDT,)
JAMES DAVID WATKINS, ANTHONY)
J. DeLUCA, HARRY J. SOOSE, THE)
CARLYLE GROUP, THE CARLYLE)
GROUP, L L C , CARLYLE PARTNERS) JURY TRIAL DEMANDED
II, L P , CARLYLE SBC PARTNERS, II,)
L P , CARLYLE INTERNATIONAL)
PARTNERS II, L P , CARLYLE)
INTERNATIONAL PARTNERS III, C/S)
INTERNATIONAL PARTNERS,)
CARLYLE INVESTMENT GROUP, L.P ,)
CARLYLE-IT INTERNATIONAL)
PARTNERS, L P , CARLYLE-IT)
INTERNATIONAL PARTNERS II, L P ,)
CARLYLE-IT PARTNERS L P , and T.C.)
GROUP, L L C ,)
Defendants)

ORDER OF COURT

Defendants' Joint Motion to Dismiss for Lack of Subject Matter Jurisdiction

having been filed, and all parties having had an opportunity to be heard, and the Court having given due consideration to the parties' arguments,

IT IS hereby ORDERED, ADJUDGED, and DECREED that Defendants' Joint Motion to Dismiss for Lack of Subject Matter Jurisdiction is GRANTED;

IT IS further ORDERED that Counts I through V and IX of the above-referenced matter are hereby dismissed with prejudice.

Dated: _____, 2005

UNITED STATES DISTRICT JUDGE

cc: All counsel of record